

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21309 OF 2006

DATED 6th NOVEMBER, 2006

BETWEEN:

Papagari Kista Reddy

... Petitioner

AND

The Joint Collector, Medak District at Sangareddy and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21734 OF 2006

ORDER:

The petitioner herein purchased land admeasuring Acs.2.05 in survey No.340/AA situated at Perur village of Medak Mandal and District in 1982 under unregistered document. He approached the Mandal Revenue Officer (MRO) under Section 5-A of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) seeking regularization of purchase/transaction in his favour. He alleges that fourth respondent also appeared before the MRO during the enquiry and gave statement on 03.03.1993 admitting the sale. Therefore, by proceedings, dated 23.03.1993, the MRO, third respondent herein, issued regularization order/certificate in Form 13(B) of the A.P.Rights in Land and Pattadar Pass Books Rules, 1989. Aggrieved by the orders of the MRO, the fourth respondent filed an appeal in June, 1997 under Section 5-B of the Act. The second respondent dismissed the appeal on 24.05.2002 and the petitioner was also unsuccessful before the first respondent as revision petition filed by him was dismissed on 26.08.2006. This writ petition is filed assailing the orders of the first respondent.

Learned counsel for the petitioner placed reliance on the decision of Division Bench of this Court in **M.B.Ratnam v Revenue Divisional Officer**^[1] and another decision in **Konkana Ravinder**

Goud v Bhavanarishi Co-operative House Building Socceity,

Hyderabad^[2] in support of the contention that an appeal under Section 5-B of the Act would not lie in respect of the orders passed by the MRO under Section 5-A of the Act before 31.10.1993. The question is not *res integra*. The Division Bench in **M.B.Ratnam** (supra) laid down that the Act did not provide any right of appeal against the orders passed by MRO prior to coming into force of Section 5-B of the Act with effect from 31.10.1993. The same view was also taken by the other Division Bench in **Konkana Ravinder Goud** (supra). This legal position is not denied by the learned counsel for fourth respondent. If the fourth respondent is aggrieved by the orders passed by MRO under Section 5-A of the Act in favour of the petitioner, it is always open to him to approach the first respondent by filing revision petition separately. In which event, the first respondent has to consider the matter independently.

In view of the above, the writ petition is allowed and the impugned order of the first respondent is set aside.

(V.V.S.RAO,J)

06.11.2006

pln

^[1] 2003 (1) ALD 826

^[2] 2003 (6) ALT 1(DB)